

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMGEN INC. and AMGEN
MANUFACTURING, LIMITED,

Plaintiffs,

v.

HOSPIRA, INC. and PFIZER INC.,

Defendants.

C.A. No. 18-1064-CFC

DEMAND FOR JURY TRIAL

JOINT STIPULATION TO AMEND SCHEDULING ORDER

WHEREAS, at the December 6, 2019 discovery dispute hearing, the Court ordered that the parties meet and confer regarding an amended case schedule to enable Amgen Inc. and Amgen Manufacturing, Limited (together, “Amgen” or “Plaintiffs”) to seek discovery on Hospira, Inc. and Pfizer Inc.’s (together, “Pfizer” or “Defendants”) on-sale bar and public use defenses; and

WHEREAS, the parties have conferred and come to an agreement on an amended case schedule to control the case to trial;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Amgen and Pfizer, subject to the approval of the Court, that the Scheduling Order (D.I. 26), as previously amended (D.I. 81, 85), shall be amended as follows:

Deadline	Current Date	New Date
Complete expert depositions other than supplemental expert depositions limited to on-sale bar and public use invalidity theories	February 7, 2020	February 11, 2020

Deadline	Current Date	New Date
Amgen to complete supplemental fact discovery limited to on-sale bar and public use invalidity theories, including third-party and international discovery ¹		December 22, 2020
Plaintiffs to submit supplemental rebuttal expert report(s) limited to on-sale bar and public use invalidity theories		January 8, 2021
<p>Defendants to submit supplemental reply expert report(s) limited to on-sale bar and public use invalidity theories to contradict or rebut the contents of Plaintiffs' supplemental rebuttal expert report(s).</p> <p>Defendants' supplemental reply expert report(s) limited to on-sale bar and public use invalidity theories to contradict or rebut the contents of Plaintiffs' supplemental rebuttal expert report(s) may not go beyond or outside the scope of Plaintiffs' rebuttal expert report(s), and Defendants shall not include material for the reply report(s) which should have been included in their opening reports served on November 6, 2019. Subject to the foregoing, Defendants may rely on supplemental fact</p>		January 15, 2021

¹ The parties agree that, subject to third-party objections and confidentiality issues, Plaintiffs' counsel will copy Defendants' counsel on third-party discovery requests including deposition notices and correspondence related thereto, and Plaintiffs will produce to Defendants any documents received from third-parties pursuant to such discovery requests under the applicable Protective Order or confidentiality agreements with the relevant third-parties. Defendants reserve their rights to object to Plaintiffs' use of any third-party discovery in this case in which Defendants have not had the opportunity to participate, including any reliance on depositions in which Defendants were not afforded the opportunity to participate. Defendants also reserve their right to seek supplemental discovery from Plaintiffs during the supplemental fact discovery period. Plaintiffs will take a position on providing supplemental discovery to Defendants after considering Defendants' request(s).

Deadline	Current Date	New Date
discovery related to the on-sale bar and public use invalidity theories to contradict or rebut the contents of Plaintiffs' supplemental rebuttal expert report(s).		
Complete supplemental expert depositions limited to on-sale bar and public use invalidity theories		January 27, 2021
Dispositive and <i>Daubert</i> motions due	February 14, 2020	February 17, 2021
Parties to serve Requests for Admission to authenticate documents	March 27, 2020	February 26, 2021
Parties to file Joint Proposed Final Pretrial Order, Jury Instructions, Voir Dire, and Special Verdict Form	5:00 pm three business days before Pretrial Conference	No change April 8, 2021
Pretrial conference	June 2, 2020 at 4:30 p.m.	May 10, 2021 at 4:00 p.m. (or as close in time as is convenient for the Court)
5-day Jury Trial	June 15, 2020	May 24, 2021 May 17, 2021 (or as close in time as is convenient for the Court)

/s/ Katharine L. Mowery

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Dated: February 14, 2020

SO ORDERED this 18th day of February, 2020.


United States District Judge